

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

v.

23-CR-120-LJV-JJM
DECISION & ORDER

FRANKLIN WHITE,

Defendant.

1. On June 28, 2024, the defendant, Franklin White, pleaded guilty to Count 9 of the Indictment charging a violation of Title 18, United States Code, Section 924(c)(1)(A)(i) (possession of a firearm in furtherance of drug trafficking). Docket Item 73.

2. On June 28, 2024, the Honorable Jeremiah J. McCarthy, United States Magistrate Judge, filed a Report & Recommendation recommending that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty. Docket Item 75.

3. This Court has not received objections to the Report & Recommendation in accordance with Title 28, United States Code, Section 636(b)(1), and Rule 59(b) of the Federal Rules of Criminal Procedure, and the time to object now has expired.

4. This Court has carefully reviewed *de novo* Judge McCarthy's Report & Recommendation (Docket Item 75), the plea agreement (Docket Item 73), the indictment (Docket Item 1), a transcript of the plea proceeding (Docket Item 77), and the applicable law. This Court finds no legal or factual error in Judge McCarthy's Report &

Recommendation and therefore adopts Judge McCarthy's recommendation that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty of Count 9 of the indictment.

IT IS HEREBY ORDERED that this Court adopts Judge McCarthy's June 28, 2024 Report & Recommendation, Docket Item 75, in its entirety, including the authorities cited and the reasons given therein, and it is further

ORDERED that the Court accepts the defendant's plea of guilty and defers acceptance of the plea agreement pursuant to Sentencing Guidelines Section 6B1.1(c), and the defendant, Franklin White is now adjudged guilty under Title 18, United States Code, Section 924(c)(1)(A)(i).

SO ORDERED.

Dated: August 16, 2024
Buffalo, New York



LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE